EXPLANATION OF

23

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والعاقبة للمتقين، والصلاة والسلام على عبده ورسوله وخليله وصفوته من خلقه، نبينا وإمامنا وسيدنا محمد، وعلى آله واصحابه ومن سلك سبيله واهتدى بهداه الى يوم الدين، اما بعد:

Recap

We're still going through the nullifiers of Wudū'. The author said,

والنواقض في الطهارة الصغرى ثمانية

There are 8 nullifiers of Wudū'. The first one is الخارج من السبيلين, anything that exists from the two private parts. The second nullifier is والفاحش من غيرهما, what exits from other than the private parts that's repulsive. The third nullifier of Wudū' is وزوال العقل بغير نوم يسير جالسا أو قائما. Loss of consciousness nullifies Wudū', that's by Ijmā'. So, he says sleeping takes the same ruling, *except* light sleep while a person is sitting or standing.

We took four opinions last week as it pertains to this Mas'alah. What's the Mas'alah? The Mas'alah of *'Does Sleep Nullify Wudū'?'* What were the opinions that we took last week? The first one is that light sleep while one is sitting or standing doesn't nullify Wudū', this is chosen by the Hanābilah and it's the opinion of the author of the book

and it's the Madhhab of the Hanābilah. Number two is that, sitting firmly on one's bottom doesn't nullify Wudū', everything else nullifies Wudū'. The third opinion is that all sleep voids Wudū'. The fourth opinion is that sleep doesn't nullify Wudū' in Salāh. We stopped there.

- We'll start on the fifth opinion, which is that the only type of sleep that nullifies Wudū' is when one lays down or leans on one side of his bottom, and Ibn 'Ābidīn attributed it to Abu Hanīfah رحمه الله تعالى. The proof that they use is a supposed Hadīth in Musnad Ahmad, it's weak. There is really no need to mention it, but because it's popular when discussing this matter among Talabat Al-'Ilm, one should know it in case it is presented to him.

إِنَّ الْوُضُوءَ لاَ يَجِبُ إِلاَّ عَلَى مَنْ نَامَ مُضْطَجِعًا فَإِنَّهُ إِذَا اضْطَجَعَ اسْتَرْخَتْ مَفَاصِلُهُ

"Wudū' is not required except when one sleeps laying down (when one is reclining), because when one lays down, his joints or muscles relax." An-Nawawi said its weak by Ijmā' of the Ulamā' of Hadīth.

The second alleged Hadīth is attributed to Hudhayfah رضي الله عنه, that he said, "My head used to drop in sleep or in drowsiness, so I asked the Messenger (ﷺ) 'Should I perform Wudū'?' He said 'No, unless you laid down'" and that's also weak.

A third one is:

من نام جالسًا فلا وضوء عليه، ومن وضع جنبه فعليه الوضوء

"Whoever sleeps sitting down doesn't need to make Wudū', one who sleeps laying down must renew his Wudū'." That's also weak.

Similar in meaning is other narrations like the one is Musannaf Ibn Abi Shaybah

ليس على من نام ساجدا وضوء، حتى يضطجع، فإنه إذا اضطجع، استرخت مفاصله

There are approximately two or three more with similar meanings. They're weak. There is, however, an authentic Athar in Musannaf 'Abd Ar-Razzāq that Ibn 'Umar رضي الله عنهما, when he used to sleep sitting, he wouldn't renew his Wudū'; when he slept on his side, he would renew his Wudū'.

Rebuttal

The response to that is that it's an Athar relating the *action* of Ibn 'Umar رضي الله عنهما, not a Hadīth. Second of all this action may be interpreted that when he lays down it was a type of sleep where he loses his Ihsās, his awareness, to the point he wouldn't know if he passed wind. And when he was sitting, it's interpreted to be the sleep where he maintained his Ihsās to the point he would know if he committed a Hadath, and that goes along with Ar-Rājih.

- The sixth opinion is that sleep is not a nullifier of Wudū' at all, and this is the complete opposite of the third opinion that we took last week. Some attribute this opinion to Imām Ahmad. Al-Khallāl, and we mentioned his status in the Hanbali Madhhab, he said that is incorrect. It's also attributed to Sa'īd Ibn Al-Musayyib and others. Their proof the verse,

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ إِذَا قُمْتُمْ إِلَى ٱلصَّلَوٰةِ فَٱغْسِلُواْ وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى ٱلْمَرَافِقِ وَٱمْسَحُواْ بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى ٱلْكَعْبَيْنِ

They said sleep is not mentioned as a nullifier in the verse. Allāh سبحانه وتعالى said in that verse,

أَوْ جَآءَ أَحَدٌ مِّنكُم مِّنَ ٱلْغَآئِطِ

One defecating [is mentioned] as a nullifier, but sleep is not mentioned in that verse.

Rebuttal

The response to how they used that verse is, number one: the verse includes *some*, not all nullifiers of Wudū'. Wudū' is nullified by a person being unconscious or by urinating — that's by Ijmā' — yet they're not included in the

verse. So the verse details *some* of the nullifiers not all of them. Ash-Shāfi'ī in Al-Umm also said that I heard those whom I trust their knowledge in the Qur'ān claim that

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ إِذَا قُمْتُمْ إِلَى ٱلصَّلَوٰةِ

"O you who believe, when you rise up for Salāh"

فَٱغْسِلُواْ وُجُوهَكُمْ وَأَيْدِيَكُمْ

He said, they said it was revealed pertaining to those waking up from sleep. قُمْتُمْ إِلَى ٱلصَّلَوٰةِ — *waking up* from sleep. So he is saying the verse was revealed, according to some who he trusts their knowledge, pertaining to those waking up from sleep. So how can one say they are not included in the verse? Regardless, the verse mentions some nullifiers, not all of them.

The second proof they used is the Hadīth. Hadīth Abu Hurayrah,

لاَ وُضُوءَ إِلاَّ مِنْ صَوْتٍ أَوْ رِيحٍ

"There is no Wudū' except for a sound or a smell." No Wudū' except for a sound or a smell. They said the Hadīth didn't include sleep. The Hadīth is actually referring to someone thinking he passed wind while he is in Salāh. What we said

about the verse also applies here. There are nullifiers like urinating, defecating, falling unconscious — all nullifiers by Ijmā' (by consensus) — and this Hadīth doesn't mention them. This Hadīth is mentioning the ruling pertaining to what one does if he doubts that he nullified his Wudū' by passing wind while he's in Salāh. It's not limiting the nullifiers of Wudū' to sound and smell, as it may appear. It's just showing that's how you figure it out if you doubt you passed wind while in Salāh.

The third one is a rationale they mentioned. Their proof is a rationale. They said, since sleep is not a Hadath in and of itself, but because it may cause one to pass wind without knowing it, they said so a person's Tahārah (his purification) is established by Yaqeen. Whether he passed wind or not is a doubt. You don't leave that Yaqeen of being on Tahārah due to a doubt. They said that's like someone who passes or thinks he passed wind in Salāh, he doesn't leave Salāh due to the doubt, and that's why the Hadīth says only if you hear sound or due to a smell. The Tahārah was established by certainty (by Yaqeen) and you don't leave Salāh thinking you passed wind. It has to be by Yaqeen. The response is, there's Ahādīth like Hadīth Safwān, and the one who told us not to leave Salāh if one is in doubt of passing wind is the one who said make Wudū' when one sleeps.

The fourth proof is a Hadīth, and it's the Hadīth of Anas رضي الله عنه from Qatādah:

قَالَ سَمِعْتُ أَنَسًا، يَقُولُ كَانَ أَصْحَابُ رَسُولِ اللَّهِ (ﷺ) يَنَامُونَ ثُمَّ يُصَلُّونَ وَلاَ يَتَوَضَّئُونَ

This version of this Hadīth is in Sahīh Muslim. Qatādah said, "I heard Anas saying that the Sahābah dozed off and offered Salāh without performing Wudū'." Their rationale is that the Sahābah didn't make Wudū' in that scenario after sleeping, so there is no Wudū' from sleep, otherwise the Sahābah would have performed Wudū'. The response is, some Ulamā' responded saying they didn't make Wudū' because they were firmly sitting on their bottom, and it's obvious that the ones who make this rebuttal are the ones who support the opinion of exempting one who sits firmly on his bottom. But there's another narration, like we mentioned, that they were laying down. So Ulamā' like Al-Qurtubi said it's light sleep, and that's very accurate and it's very correct and it coincides with the Rājih that we mentioned.

They also used a fifth proof Hadīth Anas:

أَنَّهُ قَالَ أُقِيمَتْ صَلاَةُ الْعِشَاءِ فَقَالَ رَجُلٌ لِي حَاجَةٌ. فَقَامَ النَّبِيُّ (ﷺ) يُنَاجِيهِ حَتَّى نَامَ الْقَوْمُ – أَوْ بَعْضُ الْقَوْمِ – ثُمَّ صَلَّوْ

"The people got up to make Salāh and a man said he needed to speak to the Messenger (ﷺ) about a need he had. And the Messenger (ﷺ) had a private conversation with him until people, or some of them, dozed off, then they made Salāh." Ibn Hajr said it wasn't deep sleep because there are other narrations that prove it wasn't deep sleep. Other narrations like the one is Sunan Abu Dawūd that says

فَقَامَ يُنَاجِيهِ حَتَّى نَعَسَ الْقَوْمُ

Not actual sleep, but rather drowsiness.

A sixth proof that they use is in Sahīh Al-Bukhāri, on the authority of Ā'ishah رضى الله عنها

قَالَتْ أَعْتَمَ رَسُولُ اللَّهِ (ﷺ) بِالْعِشَاءِ حَتَّى نَادَاهُ عُمَرُ الصَّلاَةَ، نَامَ النِّسَاءُ وَالصِّبْيَانُ

Ā'ishah said the Messenger (ﷺ) one time delayed the Ishā' until 'Umar رضي الله عنه reminded him by saying "The Salāh, the women and children have slept" and then the Messenger (ﷺ) came out. Ulamā' gave numerous responses to this. Some said this Hadīth doesn't clearly indicate they didn't make Wudū'. Some said it was drowsiness not actual sleep. Others said they were firmly sitting on their bottom. Some said it was before the order of making Wudū' from sleep. With all those possibilities and scenarios, it can't be used as proof to show sleep doesn't nullify Wudū'.

Another proof that they mentioned, the seventh one I think, is Hadīth Ibn 'Abbās, the one we took,

فجعلت إذا أغفيت يأخذ بشحمة أذني

The one where he slept at his aunt's house, and he said Messenger (ﷺ) would grab his earlobe when he dozed off in Salāh next to him. They said he slept in Salāh and it didn't nullify the Salāh, and we already explained that here it's drowsiness, not full sleep. He didn't lose his Ihsās (his awareness) in it.

- The final and last opinion on this matter is that long sleep nullifies Wudū' in every setting, while short sleep doesn't nullify Wudū'. This is the opinion of Imām Mālik رحمه الله تعالى and another opinion of the Hanābilah.

Their proof, first of all, is the proof for general sleep nullifying Wudū' and they used for that Hadīth Ali رضي الله عنه:

الْعَيْنُ وِكَاءُ السَّهِ فَمَنْ نَامَ فَلْيَتَوَضَّأْ

The Hadīth that we said is weak, where the eyes were compared to a leather strap or string that ties the anus. So whoever falls asleep needs to perform their Wudū'. That Hadīth is weak. Let's assume its authentic, it would be taken collectively with other Ahādīth to mean deep sleep, where one loses his Ihsās and awareness, just like other Ahādīth with similar rulings where the Sahābah didn't make Wudū' after sleeping. That's taken to mean that it was light sleep, and this here would be meaning deep sleep.

The second proof is Hadīth Anas. They said that the Sahābah used to wait for Ishā' to the point that their heads dropped dozing off and they would make Salāh

without performing Wudū'. And in Musnad Abu Ya'lā, they used to lay down, it was laying down. The fact that they didn't make Wudū', they said, proves and indicates that there is a distinction between long sleep and brief sleeping and there's a difference between the two. Long sleep requires Wudū', while brief sleep doesn't require Wudū'. They said Hadīth Anas with its different narrations, sitting or laying, is for short sleep.

And here let me mention the story that Ibn 'Abd Al-Barr related. Abu 'Ubayd said, "I used to give the Fatwā that one who sleeps sitting doesn't nullify his Wudū'." He said, "I continued to give that Fatwā until some man sat next to me in the Masjid and passed wind while he was sitting and sleeping." Abu 'Ubayd said, "I told him get up and make Wudū', you passed wind." The man began to argue with Abu 'Ubayd and he went to the extent of giving an oath that he didn't pass wind. Then he even accused Abu 'Ubayd of being the one who passed the wind. Abu 'Ubayd said, "And that's when I changed my opinion pertaining to exempting someone sitting from having to make Wudū' if he is overcome by heavy sleep — even if he is sitting." That story fully supports the Rājih. One may be sitting firmly on his bottom but still pass wind.

A third proof that they used is Hadīth Safwān ibn 'Assāl رضي الله عنه,

كَانَ رَسُولُ اللَّهِ ـ (ﷺ) ـ يَأْمُرُنَا أَنْ لاَ نَنْزِعَ خِفَافَنَا ثَلاَثَةَ أَيَّامٍ إِلاَّ مِنْ جَنَابَةٍ لَكِنْ مِنْ غَائِطٍ وَبَوْلٍ وَنَوْمٍ

Hadīth Safwān ibn 'Assāl رضي الله عنه indicates that sleep negates Wudū'. Short sleep is exempted when taken together with Hadīth Anas. This is responded to in that Hadīth Ali and Hadīth Safwān, there's no differentiating between long and short term sleep. None of those Ahādīth specify anything of that. The more appropriate route is the route of loss of Ihsās (awareness), not the length of sleep. They also used Hadīth ibn 'Abbās رضي الله عنهما when he slept at his aunt Maymūnah's house,

فَجَعَلْتُ إِذَا أَغْفَيْتُ يَأْخُذُ بِشَحْمَةِ أُذُنِ

An-Nawawi said when Ibn 'Abbās slept next to Messenger (ﷺ) in Salāh, that's drowsiness not full sleep.

Ar-Rājih

Ar-Rājih is what we mentioned in the beginning, and within most of the opinions that we mentioned, we showed through their proof, strength of the opinion we selected. Ahādīth that indicate sleep nullifies Wudū' are taken to mean sleep one loses his Ihsās in. He loses his senses and awareness to the point he wouldn't know if he passed wind. Why? Because that's the reason that sleep even became a nullifier. Ahādīth that indicate sleep doesn't nullifiy Wudū' are [referring to] light drowsiness and slumber, where one maintains his Ihsās (his awareness and senses) that if he committed a Hadath, he would know it. It's also Ar-Rājih because with that opinion, the Ahādīth on this subject are all taken collectively. The reason for going by maintaining Ihsās of

Hadath instead of one's physical setting or how he sleeps is that all the various Ahādīth have various positions on how they slept and then they got up and made Salāh without Wudū'. So you use them collectively by knowing the standard is awareness (Ihsās) in one's sleep rather than the physical status one is sleeping on.

Also, when one is firmly sitting on his bottom or laying down, one can pass wind in those settings, for example, sitting — the story related by Ibn 'Abd Al-Barr is clear and accurate. And the whole point with sleep is it's not a nullifier in and of itself, it's because its means for passing wind. So if one dozes off and is alert, he's alert to the point that he would know if he passed wind, that means he doesn't need to make Wudū'. The opinion selected is also supported by the Hadīth in Sahīh Al-Bukhāri and Muslim on the authority of Ibn 'Abbās رضي الله عنهما about the Messenger (ﷺ),

نَامَ حَتَّى نَفَخَ ـ وَكَانَ إِذَا نَامَ نَفَخَ ـ ثُمَّ أَتَاهُ الْمُؤَذِّنُ، فَخَرَجَ فَصَلَّى وَلَمْ يَتَوَضَّأْ

"The Messenger (ﷺ) slept until he breathed deeply, and it was his habit that he breathed deeply when he slept. Then he got up and made Salāh, he didn't make Wudū'." And that is because the Messenger (ﷺ) is alert. His eyes sleep, but his heart doesn't, so he's alert. He'd be aware if he committed a Hadath, if he nullified his Wudū', (ﷺ). That is the end of that Mas'alah.

The next issue is — and I probably mentioned it briefly within the previous Mas'alah — that when someone loses his mind due to some type of insanity or falls unconscious or is intoxicated, loses his mind in any of that, he has to make Wudū'. Someone faints, goes in a coma — he takes medicine and he accidentally overdoses on

his medicine and passes out, or he has a seizure and passes out. Some have tragic episodes where they lose their mind and then they regain it shortly thereafter. Loss of mind (Junūn, Zawāl Al-'Aql) nullifies Wudū' and one must renew his Wudū' by Ijmā'. It's not like sleep. The Ijmā' pertaining to Junūn and insanity or Igmā' and unconsciousness is related by Ulamā' like Ibn Al-Mundhir and Ibn Qudāmah and An-Nawawi. None of that is disputed, with the slight exception of a dispute by Ash-Shāfi'ī'īyyah pertaining to stages of what nullifies an intoxicated person's Wudū'.

And with that we'll conclude with this matter, the matter of sleeping and Wudū' or sleeping and being unconscious. Next week we'll start with the fourth nullifier of Wudū', touching the private part.

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم